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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,797	10/25/2001	Paul Eusterbrock	13414/311	6941

7590

07/07/2003

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EXAMINER

ZEADE, BERTRAND

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,797

Applicant(s)

EUSTERBROCK ET AL.

Examiner

Bertrand Zeade

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 0203.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4,6-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 7 is objected to because of the following informalities: the word "torchiere" in lines 4, should be written---torchère---. Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In claim 4, lines 7 and 8, the limitation "HOLOPIN" and "OSRAM" are trademarks which render the scope of claim 4 uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. The indicated allowability of claim 4 is withdrawn in view of the newly discovered reference(s) to Leen

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(U.S.5,984,490) and the citation of trademarks as a limitation. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 U.S.C. § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lavy (U.S.6,059,426) in view of Leen (U.S.5,984,490).

Lavy ('426) discloses a lamp head incorporated with anti-combustion arrangement having:

Regarding claim 1, a housing or head (10); a bulb unit (52) generally uniformly spaced within the housing (10); and a shield (53) connected to the housing (see fig.1-3B), for inhibiting access to the light bulb unit (52) from above, the shield (53) positioned such that the halogen light bulb unit is between the shield (53) and the housing, the halogen light bulb (52) and the shield (53) configured such that the temperature of the

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shield (53) on a surface opposite the halogen bulb stays below 500° F apparently know to those killed in the art of halogen.

Regarding claim 2, a vent area (611) for heated air from the lamp (52).

Regarding claim 3, a heat sensor (90) placed within the housing, for shutting off the light bulb units at a threshold temperature.

Regarding claim 4, a housing or head (10); a bulb unit (52) generally uniformly spaced within the housing (10); and a shield (53) connected to the housing (see fig.1-3B), for inhibiting access to the halogen light bulb unit.

Regarding claim 6, a tilt switch for shutting off the light bulb (52) when the housing is moved from a specified orientation.

Regarding claim 7, a torchère base member (31) for supporting the housing, the halogen light bulb unit (52) and the shield (53); and a torchere support member (32) disposed between the base member and the housing; wherein the shield (53) limits access to the halogen light bulb unit from above (see figs. 6-7)

Regarding claim 8, a housing or head (10); a bulb unit (52) generally uniformly spaced within the housing (10), the halogen light bulb unit having a total lighting power generally equal to a single high-watt halogen bulb system; and a shield (53) connected to the housing (see figs.6-7), for inhibiting access to the light bulb unit (52) from above, the shield (53) positioned such that the halogen light bulb unit is between the shield (53) and

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the housing, the halogen light bulb (52) and the shield (53) configured such that the temperature of the shield (53) on a surface opposite the halogen bulb stays below 500° F apparently known to those skilled in the art.

Lavy ('426) does not disclose a plurality of halogen light bulb units.

Leen ('490) discloses a portable double-bulb halogen work light/floodlight having:

Regarding claims 1, 4 and 8, a plurality of halogen light bulb units (21, 23) generally uniformly spaced within the housing (see fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the lamp head incorporated with anti-combustion arrangement of Lavy ('426) with the plurality of halogen light bulb units disclosed by Leen ('490) for the benefit and advantage to provide a portable double-bulb halogen work light/floodlight, the halogen bulbs including an open-sided housing in which at least two halogen bulbs are located; as will be readily appreciated, the use of two bulbs allows the portable halogen work light/floodlight to be used as a low or high-light output work light or a high-light output.

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Contact Information

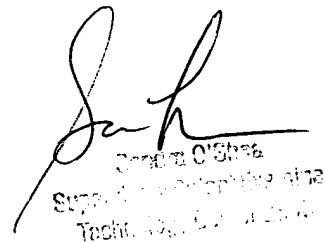
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 703-308-6084. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Examiner: Bertrand Zeade

June 26, 2003.



Sandra O'Shea
Supervisor
Technical Center